

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

MICHAEL A. CARDOZO
Corporation Counsel

SHAWN D. FABIAN
Assistant Corporation Counsel
E-mail: shfabian@law.nyc.gov
Phone: (212) 788-0906
Fax: (212) 788-9776

RECEIVED
6/22/07 June 21, 2007

BY HAND AND FIRST CLASS MAIL

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street, Room 755
New York, New York 10007

**LAURA TAYLOR SWAIN
MEMO ENDORSED**

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Christopher Sanabria v. City of New York, et al. 07 Civ. 4168 (LTS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York and New York City Police Department ("NYPD"). I am writing with respect to the above-referenced matter in which plaintiff alleges that excessive force was used against him and that he was falsely arrested and maliciously prosecuted. Defendants City and NYPD respectfully request an extension of time to answer or otherwise respond to this complaint from June 21, 2007 until August 20, 2007. Plaintiff consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed arrest and criminal prosecution records so that defendants can access the information, properly assess the case, and respond to this complaint.

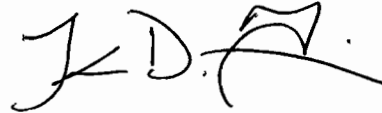
Moreover, plaintiff alleges that excessive force was used against him. Accordingly, it is necessary for our office to obtain plaintiff's medical records from the period in question in order to properly assess the case and respond to the complaint. Currently, this office

is in the process of forwarding to plaintiff for execution a medical release. This executed release is necessary for our office to obtain the medical records pertaining to plaintiff's alleged injury and treatment.

No previous request for an extension has been made by defendants City and NYPD. Accordingly, we respectfully request that defendants City and NYPD's time to answer or otherwise respond to the complaint be extended to August 20, 2007.

Thank you for your consideration herein.

Respectfully submitted,

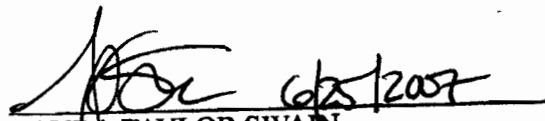


Shawn D. Fabian (SF4606)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Steven Orlow, Esq. (By First Class Mail)
Orlow, Orlow & Orlow, P.C.
71-18 Main Street
Flushing, New York 11367

The request is granted.

SO ORDERED.



LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE